

# WYOMING GAME AND FISH COMMISSION

## CHAPTER 31

### REGULATION GOVERNING AUTHORIZED LICENSE SELLING AGENTS

Section 1. Authority. This regulation is promulgated by authority of W.S. §1-1-115, §11-6-305, §23-1-302, W.S. §23-1-701, §23-2-101 and §23-2-201.

Section 2. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulation governing the appointment and operation of license selling agents. The Commission authorizes the Department to develop and maintain policies, processes and procedures necessary to carry out the provisions of this Chapter. This regulation shall remain in effect until modified or rescinded by the Commission.

Section 3. Purpose of Regulation.

(a) It is the purpose of this regulation to carry out the provisions of Wyoming Statutes §23-1-302 and §23-1-701 by providing policies, procedures and processes to appoint license selling agents throughout the State that enhance the Department's ability to serve the license buying public.

(b) In the appointment of these license selling agents, the Commission gives preference to sporting goods and equipment vendors because they foster the purpose and mission of the Game and Fish Commission as follows:

- (i) serve the same customer;
- (ii) the public generally expects to purchase hunting and fishing licenses at sporting goods and equipment vendors;
- (iii) the ownership, management and employees of sporting goods and equipment vendors are more knowledgeable in the application of hunting and fishing products, services, and related rules and regulations; and,
- (iv) the ownership, management and employees of sporting goods and equipment vendors keep current with hunting and fishing issues through various information resources and networking.

Section 4. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23 Wyoming Statutes, and the Commission also adopts the following definitions:

(a) “Agent of Record” means the designated individual person that shall be legally accountable for all aspects of proper transacting of specified Wyoming Game and Fish Commission business within the respective business entity.

(b) “Business Entity” means sole proprietor, corporation, partnership, limited liability company or any combination thereof.

(c) “License Selling Agent” means the agent of record or the business entity at the physical location authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps.

(d) “License Selling Sub-agent” means an individual in the employ of, or responsible to, the agent of record and authorized by the Commission to sell specified hunting, fishing and trapping licenses, permits, tags or stamps. License selling sub-agents shall be accountable to the agent of record for all aspects of proper transaction of specified Wyoming Game and Fish Commission business.

(e) “Non-sporting goods and equipment vendor” means a business entity that does not demonstrate a bona fide and good faith commitment to providing the community a retail outlet for hunting, fishing, trapping and camping equipment, excluding foodstuffs and motorized vehicles.

(f) “Out-of-State license selling agent” means the agent of record or the business entity located in a state contiguous with Wyoming authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps.

(g) “Out-of-State vendor” means a business entity located outside the boundaries of the State of Wyoming that demonstrates a bona fide and good faith commitment to providing the community an outlet for nonresident Wyoming licenses.

(h) “Sporting goods and equipment vendor” means a business entity whose primary function is retail sales of sporting goods and based on visual observation and judgment of the inspecting game warden, more than 50% of the physical inventory displayed is comprised of hunting, fishing and outdoor camping supplies and equipment.

(i) “Remote location” means the physical location of a business entity which is at least fifteen (15) miles from an existing Wyoming Game and Fish Commission license selling agent.

## Section 5. Liability.

(a) After a license selling agent has received and signed for licenses, permits, tags or stamps on a license inventory charge document, the risk of loss for licenses, permits, tags or stamps or license fees lost, stolen or destroyed shall pass to the license selling agent. The license selling agent shall be liable to the Wyoming Game and Fish Commission for the cash value of any licenses, permits, tags or stamps that are lost, stolen or destroyed. All licenses, permits, tags or stamps shall remain the property of the Wyoming Game and Fish Commission until sold or issued. The license selling agent shall be responsible for actions of any of the license selling agent's sub-agents authorized to sell hunting, fishing and trapping licenses, permits, tags or stamps.

(b) The annual bond fee as prescribed by W.S. §23-1-701 shall only be used for the recovery of outstanding account balances on closed accounts that have been determined to be uncollectible by the Department's Attorney General Representative.

## Section 6. Issuance of Licenses, Permits, Tags or Stamps.

(a) License selling agents and sub-agents shall ensure that all required information is completed on the license document.

(b) Resident licenses shall be signed at the time of purchase by the individual whose name appears on the license and in the presence of the license selling agent or sub-agent. Prior to the issuance of a trophy game license or a youth big game license to a person under the age of fourteen (14), both the licensee and either a parent or legal guardian shall sign the license. The license selling agent or sub-agent shall witness the resident signature on the license document prior to applying their signature on the license document.

(c) A resident applicant, resident youth applicant and parent or legal guardian, if required, shall be present at Headquarters, any Department Regional Office or license selling agent to receive a resident license, permit, tag or stamp through the Internet point of sale system and signed in the presence of a license selling agent. When a resident applicant is not present, a resident license, permit, tag or stamp shall only be issued upon presentation of a Wyoming Game and Fish Department authorized application form bearing required signatures at Headquarters or any Department Regional Office.

(d) For the purpose of conveying hunting, fishing, and trapping privileges in the State, only official Wyoming Game and Fish Commission license forms shall be sold.

(e) Under no circumstances shall a license selling agent or sub-agent alter the printed document of any license, permit, tag or stamp except as otherwise authorized in writing by the Department's License Manager. This includes adding anything other than

information required by the license document. Any altered license, permit, tag or stamp shall be void.

(f) The license issue date shall not be predated or postdated. All hunting and fishing licenses, permits, tags or stamps shall be valid only during the calendar year printed on the respective document, unless the license provides for a specific period of validity.

(g) Unsold licenses, permits, tags or stamps shall not be removed from the license selling agent's authorized physical location without written authority of the District Game Warden, Regional Wildlife Supervisor or the Department's License Manager.

(h) Except as otherwise prohibited by regulation, all license selling agents shall immediately upon receipt make available for sale, during their stated business hours, all license inventory, whether electronic or hand issued, to the public.

(i) License selling agents shall not charge fees other than established fees by Wyoming Statute for any service related to license, permit, tag or stamp sales.

(j) Under no circumstances shall the pink copy of a license, permit or stamp be removed from the license book. Removal of the pink copy shall result in an automatic charge to the license selling agent for the full license fee.

(k) Wildlife Damage Management Stamp. The Department shall sell the Wildlife Damage Management Stamp at the price annually established by the Animal Damage Management Board through Headquarters, Regional Offices, designated Department personnel and at designated license selling agents throughout the State.

#### Section 7. Void Licenses, Permits, Tags or Stamps.

(a) Licenses, permits, tags or stamps shall be voided in accordance with established Department procedure. The procedure for voiding any license, permit, tag or stamp shall include, but not be limited to; the word "VOID" written or stamped across the face of the document, the document number, the license number issued in lieu of the voided license (if applicable), void date, reason for the void and signature of the license selling agent, sub-agent or Department employee voiding the document.

(b) Once removed from the business entity, licenses, permits, tags or stamps shall be voided only under the written authority from the District Game Warden, Regional Wildlife Supervisor, or the Department's License Manager. The voided license, permit, tag or stamp shall be evidenced by the signature and date on the completed void certificate submitted for void credit.

#### Section 8. Oath of Office.

(a) Approved agents of record and their designated sub-agents shall complete, sign and return the appropriate Oath of Office form to the Department's License Section. The approved license selling agent shall complete the Oath of Office form at the License Selling Agency Orientation and Training Seminar. Authorized sub-agents shall properly complete and mail to the License Section the Oath of Office form prior to issuing any licenses, permits, tags or stamps.

(i) The completion of an Oath of Office form for the Agent of Record shall be witnessed by a Notary Public, Clerk of Court, or Department personnel authorized by the Chief Fiscal Officer to administer oaths and issue licenses. The completion of an Oath of Office form for a license selling sub-agent shall be witnessed by a Notary Public, Clerk of Court, Agent of Record, or Department personnel authorized by the Chief Fiscal Officer to administer oaths and issue licenses.

(b) Persons who have not been approved by the Commission as prescribed in established procedure shall be prohibited from selling licenses, permits, tags or stamps.

(c) Persons shall be at least eighteen (18) years of age to be an authorized agent of record or sub-agent.

(d) To administer a residency oath for the issuing of resident licenses, permits, tags or stamps, an agent of record or sub-agent shall reside in the State of Wyoming where the licenses, permits, tags or stamps are issued.

(e) During all business hours, the agent of record or sub-agent shall be available to sell licenses, permits, tags or stamps.

#### Section 9. License Inventory Charge Document.

(a) The designated agent of record shall be required to verify all license books, permit books, tags or stamp books received from the Department. Such verification shall be completed on a License Inventory Charge Document furnished by the Department. This document shall be signed by the person verifying the information and returned to the Department within ten (10) days from receipt.

#### Section 10. Monthly License Reports.

(a) Monthly License Reports shall be prepared in duplicate on forms provided by the Department. The original copy (white copy) with all funds collected, less commissions, shall be remitted to the Department. The license selling agent shall retain the duplicate copy. All license funds collected including search and rescue donations and access donations shall be reported and submitted on the monthly license sales report.

(i) Every license selling agent shall file a monthly license sales report for the preceding month and remit all moneys, less commission, collected during the previous month on or before the 10th of the month. Filing a report means the report and moneys are physically received by the Department's License Section on or before the 10th of the month, not postmarked on or before the 10th of the month.

(ii) Licenses, permits, tags or stamps sold through the Internet point of sale system shall be electronically invoiced to the license selling agent and not reported on monthly license sales report forms.

(iii) All hand-issued book sales and all automated licenses, permits, tags or stamp sales sold during the preceding month shall be included in the payment submitted to the Department on or before the 10<sup>th</sup> of the following month.

(iv) Any person who issues a check to the Wyoming Game and Fish Department to fulfill the requirements of this section which is not paid because the check has been dishonored by the bank shall be required to make restitution within thirty (30) calendar days following date of written demand. The written demand shall be mailed to the drawer of the check by United States postal service certificate of mailing at the address shown on the check or the last known address or personally served pursuant to the Wyoming Rules of Civil Procedure. The restitution shall be in the form of a postal money order or a cashier's check in the amount of the check and a collection fee not to exceed thirty dollars (\$30.00).

(v) If the license selling agent fails to pay the amount of the check and the collection fee within thirty (30) days following the date of written demand, mailed to or served upon them, they shall be assessed an additional amount equal to two (2) times the amount of the check or one hundred dollars (\$100.00), whichever is greater, in addition to the collection fee of thirty dollars (\$30.00) referenced above and any court costs.

(vi) If a license selling agent submits a second dishonored check within a consecutive twelve (12) month period of a previous dishonored check, the license selling agent shall be required to remit all subsequent payments in the form of a postal money order or cashier's check for a period of twelve (12) calendar months. Failure to do so shall be grounds for cancellation.

(b) Each appointed license selling agent shall be assigned an account number by the Department. This number shall be used on all transactions concerning the license selling agent.

(c) If no licenses, permits, tags or stamps are sold during the month, the license selling agent shall submit a report indicating no sales.

Section 11. Duplicate License Issuance.

(a) A "Duplicate License" shall be required for the replacement of lost or destroyed big or trophy game and wild turkey licenses which are valid and have not expired. Any other lost or destroyed hunting, fishing or trapping license which are valid and have not expired shall be replaced by either purchasing another license or a "Duplicate License".

(b) A duplicate license affidavit shall be properly completed by the licensee and by the agent of record or sub-agent verifying that the original issuance of the license occurred at their business entity.

(c) The license selling agent or sub-agent issuing the duplicate license shall affix the properly completed duplicate license affidavit to the permanent pink copy of the duplicate license that was issued.

(d) For duplicate licenses issued through the Internet point of sale system, the duplicate license affidavit shall be submitted to the Department with the monthly license sales report.

Section 12. Examination of Agents Records.

(a) All Wyoming Game and Fish Commission license selling agents shall be subject to audit of any and all records and documents relating to licenses, permits, tags or stamp sales. These audits may be conducted, during normal business hours, without prior notification by a Department representative authorized by the Chief Fiscal Officer. Any audit of records shall also extend to records, documents and other writings in possession or custody of accountants or other agents or representatives.

Section 13. Appointment of License Selling Agents.

(a) Any Department personnel required to administer oaths and sell licenses shall be so authorized by the Chief Fiscal Officer.

(b) Business entities shall be evaluated and classified through an application process as either a sporting goods and equipment vendor, a non-sporting goods and equipment vendor or an out-of-state vendor based on the definitions provided in Section 4 of this regulation.

(c) Applications for license selling agents shall be submitted on forms supplied by the License Section.

(d) Applications from sporting goods and equipment vendors as defined in Section 4 of this regulation shall be accepted throughout the year and shall be given preference in appointment in accordance with Wyoming Statute.

(e) If a District Game Warden determines a need for an additional license selling agent within his/her district, applications shall be accepted through solicitation by public notice in statewide or local news media.

(f) Untimely applications for advertised vacancies shall not be accepted by the Department.

(g) A license selling agent shall be appointed based upon the facts contained in the original application.

(i) Continued appointment of license selling agents shall be based upon whether the facts contained in the original application continue to be in effect.

(ii) If any facts contained in the original application change, the license selling agent's authority to sell licenses, permits, tags or stamps shall be subject to revocation by the Wyoming Game and Fish Commission.

(h) If any of the following facts have changed from those listed in the license selling agent's original application, the renewal of the license selling agent may not be approved.

(i) Appointed agent of record;

(ii) Business entity upon which the appointment was based;

(iii) Physical location of the business entity upon which the appointment was based;

(iv) Hours/days/months of operation;

(v) Continuance of a valid sales tax license for the respective business entity;

(vi) Appointed agent of record has maintained physical control of the license, permit, tag and stamp inventory;

(vii) Appointed agent of record has maintained physical control of funds collected.

(i) A license selling agent shall be considered appointed upon completing the following:



(i) approval by the Commission;

(ii) travel to the Wyoming Game and Fish Department Headquarters in Cheyenne or another Department facility as designated by the Department's License Manager, at the license selling agent expense, within ninety (90) days of written notification of approval by the Commission to attend the License Selling Agency Orientation and Training Seminar;

(iii) payment of the annual bonding fee as prescribed by W.S. §23-1-701 within ninety (90) days of notification of approval by the Commission; and,

(iv) receive the initial license allocation within ninety (90) days of notification of approval by the Commission.

Section 14. Criteria for Appointment of In-State License Selling Agents.

(a) All applications for sporting goods and equipment vendors approved by the Department shall be presented to the Commission for review.

(b) Appointment of sporting goods and equipment vendors as license selling agents shall be based upon their qualification of a sporting goods and equipment vendor as defined in Section 4.

(i) Agents shall be considered for appointment only if they are existing business entities.

(c) Appointment of non-sporting goods and equipment vendors as license selling agents shall be based upon the following criteria:

(i) Applicants shall be considered for appointment on the basis of their proximity to existing license selling agents and physical location in relation to existing license selling agents;

(ii) Applicants shall be considered for appointment based on the public service provided taking into consideration the optimum period of hours, days and months of operation; and,

(iii) Applicants shall be considered for appointment only if they are existing business entities.

Section 15. Criteria for Appointment of Out-of-State License Selling Agents.

(a) The District Game Warden, through the Regional Wildlife Supervisor, shall notify the Department's License Manager of the possible need to establish an out-of-state license selling agent.

(b) Applicants for out-of-state license selling agents shall complete the proper application form. Consideration for approval of the agent shall generally, but not necessarily, be limited to criteria set forth in Section 14 of this regulation.

(c) Out-of-State license selling agents may only be authorized to sell the licenses listed in this subsection:

- (i) Nonresident Fishing;
- (ii) Nonresident Game Bird/Small Game;
- (iii) Conservation Stamps;
- (iv) Reciprocity Stamps;
- (v) Nonresident Archery;
- (vi) Nonresident Black Bear; and,
- (vii) Nonresident Mountain Lion.

Section 16. License Agent Bonding, Initial License Distribution and Training.

(a) Within thirty (30) days of appointment, all new agents of record or their designees shall be notified of a scheduled date in which they shall be required to travel to the Wyoming Game and Fish Department Headquarters in Cheyenne, or another Department facility as designated by the Department's License Manager, at the license selling agent's expense in order to: pay the annual bonding fee as prescribed by W.S. §23-1-701; attend a License Selling Agency Orientation and Training Seminar; and, receive the initial license allocation.

(b) At any time, an agent of record shall be required to travel at the license selling agent's expense to Headquarters or another Department facility, as designated by the License Manager, to attend remedial training at the direction of the License Manager.

Section 17. Transfer of Physical Location of License Selling Agents.

(a) A Wyoming Game and Fish Commission license selling agent may be transferred to another physical location of the same business entity only upon approval of the Chief Fiscal Officer and the District Wyoming Game and Fish Commissioner. Recommendations by the District Game Warden, Regional Wildlife Supervisor and the Department's License Manager shall be considered by the Chief Fiscal Officer and the District Game and Fish Commissioner in determining whether or not to approve a

transfer of physical location. A sporting goods and equipment vendor license selling agent is exempt from this provision.

Section 18. Transfer of Agent of Record as a Result of a Change in the Business Entity.

(a) If the change in agent of record does not change the organizational structure of the business entity, the new agent of record shall submit a properly completed Oath of Office form to the Department's License Section.

(b) If the change in agent of record results in a change in the Business Entity, then:

(i) A new owner of a currently established Wyoming Game and Fish Commission license selling agent shall immediately apply to the Commission to be considered for appointment as a license selling agent pursuant to Section 13 of this regulation.

(ii) Subject to application and appointment as a license selling agent, the new owner may apply to the Department's License Section for a temporary license selling agent authorization which shall allow the continuance of the existing license selling agent. Upon approval of the Department and the District Commissioner, the License Section shall issue a temporary license selling agent authorization to the new owner. Failure to apply for appointment as a license selling agent or apply for a temporary license selling agent authorization may result in delay of issuance.

(iii) A temporary license selling agent authorization shall remain in effect for one hundred twenty (120) days. The authorization may be extended an additional one hundred twenty (120) days by the District Commissioner.

(iv) In order to receive the temporary license selling agent authorization, the new owner shall assume all liability for the agent of record from whom the business was purchased. If the new owner does not agree to assume the liability of the previous agent of record, the existing license selling agency is immediately canceled.

(v) Until a temporary license selling agent is authorized in which the new owner assumes liability, the existing agent of record shall remain liable as described in Section 5.

Section 19. Cancellation of License Selling Agents.

(a) A License Selling Agency may be canceled, pursuant to procedures described in "Cancellation Procedures, License Selling Agencies" approved December 4, 1995, by the Wyoming Game and Fish Commission (a copy of "Cancellation Procedures, License

Selling Agencies” can be obtained from the License Section, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006) for noncompliance with W.S. §23-1-701 or Commission Regulations including but not limited to:

- (i) Submission of late or no monthly license sales report;
- (ii) Failure to properly report all license sales and remit monies during a reporting period;
- (iii) Three (3) occurrences of late reporting by an agent in any twelve (12) month reporting period;
- (iv) Failure to remit account underpayments;
- (v) Issuance of insufficient or no account checks and failure to pay as provided in W.S. §1-1-115;
- (vi) Failure to pay annual bond by December 1 for succeeding year;
- (vii) Failure to disseminate correct information to the hunting/fishing public;
- (viii) Charging fees for any service related to license, permit, tag or stamp sales other than that established by Wyoming Statute;
- (ix) Failure to properly and legibly complete the license form;
- (x) Selling licenses over quota;
- (xi) Failure to allow or permit an audit of any and all records and documents relating to hunting, fishing and trapping licenses, permits, tags or stamp sales or search and rescue or access donations;
- (xii) Illegal issuance of licenses, permits, tags or stamps; or,
- (xiii) Failure to attend training as requested by the Department’s License Manager.
- (xiv) Failure to properly witness residency oaths on resident license issuance.

(b) The Chief Fiscal Officer, with concurrence of the District Commissioner, shall notify the license selling agent in writing that cancellation procedures have been initiated.

(c) The cancellation shall be a contested case proceeding in accordance with Wyoming Game and Fish Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases Before The Wyoming Game And Fish Commission, revised as of January 19, 1982, and which does not include any later amendments or editions of the incorporated matter.

(i) Cancelled license selling agents are entitled to a hearing before the Game and Fish Commission. Request for hearing shall be made in writing to the Chief Fiscal Officer within ten (10) business days after receipt by the license selling agent of the notice of cancellation by the Department. Upon the Department’s receipt of a request for hearing from a cancelled license selling agent, the cancelled agent shall be scheduled by

the Department to appear before the Commission at the next regularly scheduled Commission meeting.


(ii) Upon cancellation of a license selling agent by the Commission or if the license selling agent fails to request hearing within ten (10) business days, the license selling agent shall be prohibited from reapplying to the Commission for a license selling agent authorization for not less than twelve (12) months.

Section 20. Violation of Commission Regulations. Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.

Section 21. Savings Clause. If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION

By:

  
Bill Williams, DVM, President

Dated: July 20, 2007

